

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

	X
UNITED STATES OF AMERICA,	:
	:
-against-	:
	:
LAWRENCE McAFFEE,	:
	:
<u>Defendant.</u>	:
	X

No. 18 Cr. 425 (JFK)

ORDER

JOHN F. KEENAN, United States District Judge:

The next conference, currently scheduled for December 1, 2020 at 11:00 a.m., is hereby RESCHEDULED to occur as a teleconference using the AT&T conferencing platform on December 1, 2020 at 11:00 a.m. The Court, having determined that video teleconferencing is not reasonably available, FURTHER ORDERS that the hearing will be by telephone using the following conference line and dial-in:

**AT&T Conference Line: 1-888-363-4749
Access Code: 788 3927 #**

Members of the press and public may call the same number, but they will not be permitted to speak during the hearing.

During the teleconference, counsel should adhere to the following rules and guidelines:

1. Each party should designate a single lawyer to speak on its behalf (including when noting the appearances of other counsel on the telephone).
2. Counsel should use a landline whenever possible, should use a headset instead of a speakerphone, and must mute themselves whenever they are not speaking to eliminate background noise. In addition, counsel

should not use voice-activated systems that do not allow the user to know when someone else is trying to speak at the same time.

3. To facilitate an orderly teleconference and the creation of an accurate transcript, counsel are required to identify themselves every time they speak. Counsel should spell any proper names for the court reporter. Counsel should also take special care not to interrupt or speak over one another.
4. If there is a beep or chime indicating that a new caller has joined while counsel is speaking, counsel should pause to allow the Court to ascertain the identity of the new participant and confirm that the court reporter has not been dropped from the call.

Defense counsel shall discuss the attached Waiver of Right to be Present at Criminal Proceeding with Defendant prior to the proceeding. If Defendant consents, and is able to sign the form (either personally or, in accordance with Standing Order 20-MC-174 of March 27, 2020, by defense counsel), defense counsel shall file the executed form at least 24 hours prior to the proceeding. In the event Defendant consents, but counsel is unable to obtain or affix Defendant's signature on the form, the Court will conduct an inquiry at the outset of the proceeding to determine whether it is appropriate for the Court to add Defendant's signature to the form.

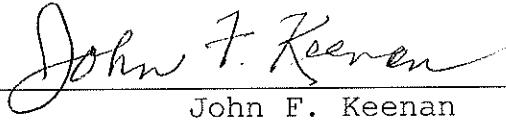
To the extent that there are any documents relevant to the proceeding (e.g., proposed orders or documents regarding restitution, forfeiture, or removal), counsel should submit them to the Court (by email or on ECF, as appropriate) at least 24 hours prior to the proceeding. To the extent any documents

require Defendant's signature, defense counsel should endeavor to get them signed in advance of the proceeding as set forth above; if defense counsel is unable to do so, the Court will conduct an inquiry during the proceeding to determine whether it is appropriate for the Court to add Defendant's signature.

Finally, all of those accessing the conference line—whether in listen-only mode or otherwise—are reminded that recording or rebroadcasting of the proceeding is prohibited by law.

SO ORDERED.

Dated: New York, New York
November 17, 2020


John F. Keenan
United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : **WAIVER OF RIGHT TO BE
-v- : PRESENT AT CRIMINAL
LAWRENCE McAFFEE, : PROCEEDING**
Defendant. : No. 18 CR 425 (JFK)
-----X

I am aware that I have been charged with violations of federal law. I have consulted with my attorney about those charges. I understand that I have a right to appear before a judge in a courtroom in the Southern District of New York and to have my attorney beside me as I do. I am also aware that the public health emergency created by the COVID-19 pandemic has interfered with travel and restricted access to the federal courthouse. I have discussed these issues with my attorney. By signing this document, I wish to advise the court that I willingly give up my right to appear in person for the hearing on _____. By signing this document, I also wish to advise the court that I willingly give up any right I might have to have my attorney next to me, so long as the following conditions are met: I want my attorney to be able to participate in the proceeding and to be able to speak on my behalf during the proceeding. I also want the ability to speak privately with my attorney at any time during the proceeding if I wish to do so.

Date Print Name Signature of Defendant

I hereby affirm that I am aware of my obligation to discuss with my client the charges against my client, my client's rights to attend and participate in the criminal proceedings encompassed by this waiver, and this waiver and consent form. I affirm that my client knowingly and voluntarily consents to the proceedings being held with my client and me both participating remotely.

Date Print Name Signature of Defense Counsel

Addendum for a defendant who requires services of an interpreter:

I used the services of an interpreter to discuss these issues with the defendant. The interpreter also translated this document, in its entirety, to the defendant before the defendant signed it. The interpreter's name is: _____.

Accepted: _____
Signature of Judge
Date: